

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



March 31, 2000

ALL-COUNTY LETTER NO: 99-98

TO: ALL COUNTY WELFARE DIRECTORS
ADULT PROTECTIVE SERVICES (APS)
PROGRAM MANAGERS

REASON FOR THIS TRANSMITTAL

- ☒ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order or Settlement Agreement
- ☐ Clarification Requested by One or More Counties
- ☒ Initiated by CDSS

SUBJECT: SENATE BILL (SB) 1003, VASCONCELLOS,
CHAPTER 670, STATUTES OF 1999

REFERENCE: All-County Letter No. 99-53

This All-County Letter (ACL) provides instructions for the changes authorized by the passage of SB 1003, (Vasconcellos), Chapter 670, Statutes of 1999, which became effective January 1, 2000, and sunsets on January 1, 2001. SB 1003 allows county APS agencies to not conduct an immediate or 10-day in-person investigation on APS referrals under certain circumstances. The provisions in SB 1003 are not mandatory and counties may choose not to implement its provisions.

Existing Law – SB 2199

Existing law requires each county APS agency to conduct an in-person investigation on all reports of abuse that fall within the jurisdiction of the APS agency, even if the elder or dependent adult is not in imminent danger. Counties have no statutory authority to not conduct an in-person investigation even if they can determine at intake that services are not needed. All in-person investigations must be conducted under one of two time frames: immediately or within 10 days.

ACL No. 99-53, dated August 12, 1999, clarified that under the following three circumstances, an in-person response was not possible: the elder or dependent adult could not be located; had moved out of state or out of the county; had died before the investigation could be conducted. In addition, ACL No. 99-53 identified one circumstance in which an in-person response was not required because the report was based on an old incident and no new risks or allegations were present (refer to ACL No. 99-53 for specific requirements).

SB 1003 - Legislative Intent

The effect of SB 1003 is to allow counties the ability, at intake, based on an evaluation of risk, to determine that an in-person response is not required when it has been determined, and documented by the county, that the elder or dependent adult is not in imminent danger, and that an immediate or 10-day in-person response is not necessary to protect the health or safety of the elder or dependent adult. This added flexibility afforded to counties by SB 1003 ends January 1, 2001 unless it is extended by subsequent legislation. SB 1003 was not intended to otherwise change the requirement for an in-person response either within 10 days or sooner. SB 1003 does not permit counties to authorize or provide services without conducting an in-person investigation.

SB 1003 - Specific Requirements

An in-person response is not required if the county determines, and documents, that the elder or dependent adult is not in imminent danger and an immediate or 10-day in-person response is not necessary to protect the health or safety of the elder or dependent adult. For example, a mandated reporter reports to the county APS agency a low-risk self neglect situation, but indicates that the situation is being taken care of by another agency. The reporter indicates they are only reporting because they are mandated to do so. In this example, after the county has completed its evaluation, as described under "Criteria and Standards" below, the county may determine that an in-person response is not necessary because there is no imminent danger to the elder or dependent adult and an immediate or 10-day in-person response is not necessary to protect the health or safety of the elder or dependent adult. In those circumstances, intervention and case management services by the county are not necessary and, therefore services should not be authorized.

SB 1003 - Criteria and Standards

The California Department of Social Services (CDSS), in cooperation with the County Welfare Directors Association, and other stakeholders, will establish the criteria and standards necessary to determine the circumstances in which county APS agencies are not required to conduct an in-person investigation. Until criteria and standards are developed, the county's evaluation shall include, and document the following:

- (1) The factors that led to the county's decision that an in-person response was not required.
- (2) The level of risk to the elder or dependent adult, including collateral contacts (such as contacts with the victim, relatives, or other individuals involved).
- (3) A review of previous referrals and other relevant information as indicated.
- (4) The need for intervention at the time.
- (5) The need for protective services.

SB 1003 - Data Reporting Requirement

Under SB 1003, CDSS is required to report to the Legislature data on the number of cases, by county, out of the total number of cases reported to the counties, that were determined not to require an in-person response and the disposition of those cases. This report to the Legislature is required to be submitted to the Legislature by April 1, 2001. Therefore, it is necessary for counties to collect and report this information to CDSS, beginning with the month of January 2000. Information about these reports will be collected on the Adult Protective Services And County Services Block Grant Monthly Statistical Report (SOC 242). Part "I" has been added on the second page of the SOC 242 in order to capture the data required by the passage of SB 1003.

All counties are required to complete # 27 of Part "I" of the SOC 242. Only counties that are implementing SB 1003 are required to complete #28 and #29 of Part "I". The modified SOC 242 and instructions for its completion are attached. Counties are required to submit the SOC 242 by the 20th calendar day of the month following the report month, beginning with the March 2000 report. For counties that are implementing SB 1003, please submit the SOC 242 retroactively for the months of January and February 2000 by April 20, 2000. Mail the report to:

California Department of Social Services
Data Operations Branch, Reports Unit, M. S. 19-81
Post Office Box 944243
Sacramento, California 94244-2430
Fax (916) 322-9254

The CDSS will be seeking clarification with the Legislature that this data report meets the data collection requirement of the bill. If additional information is necessary, we will inform counties.

SB 1003 - Additional Provisions

SB 1003 continues to authorize the CDSS to issue instructions through ACLs for the statewide APS Program until regulations are adopted, but removes the January 31, 2000 date by which regulations must be adopted. Until regulations are adopted, counties are instructed to use the information in the ACLs to implement their APS Programs.

A copy of SB 1003, the data collection form, and instructions for its completion are attached. If you have any questions regarding completion of the modified SOC 242, please contact Traci Waters, at (916) 445-2168, or Barbara Wood, at (916) 445-6994. Program-related questions should be directed to the Adult Protective Services Bureau, at (916) 229-0323.

Sincerely,

***Original Document Signed By Leonard Tozier for
Donna L. Mandelstam on 3/31/00***

DONNA L. MANDELSTAM, Deputy Director
Disability and Adult Programs Division

Attachments

ADULT PROTECTIVE SERVICES AND COUNTY SERVICES BLOCK GRANT MONTHLY STATISTICAL REPORT

Send one copy of this form to:

California Department of Social Services
Data Operations Branch, M.S. 19-81
P.O. Box 944243
Sacramento, CA 94244-2430
Fax # (916) 322-9254

County	County Code	Report Month/Year
--------	-------------	-------------------

ADULT PROTECTIVE SERVICES

PART A. CASELOAD MOVEMENT		ELDER	DEPENDENT ADULT		
1. Cases brought forward from last month (same as Part A, item 6 on previous month's report).....		1	2		
2. Cases opened during the month.....		3	4		
3. Total number of active cases during the month (Item 3 = Items 1 + 2).....		5	6		
4. Total number of cases closed during the month (Item 4 = Items 4a thru 4e).....		7	8		
Enter the number of cases closed by length of service at the time of closure					
a. Less than one month.....		9	10		
b. One month or more, but less than two months.....		11	12		
c. Two months or more, but less than three months.....		13	14		
d. Three months or more, but less than six months.....		15	16		
e. Six months or more.....		17	18		
5. Total number of cases closed as a result of client refusing service (subset of Item 4).....		19	20		
6. Cases carried forward to next month (Item 6 = Item 3 minus Item 4).....		21	22		
PART B. REPORTS TO APS		ELDER	DEPENDENT ADULT		
7. Total number of reports of alleged abuse received.....		23	24		
a. Total number of reports of alleged abuse received after business hours.....		25	26		
8. Total number of reports of alleged abuse within APS jurisdiction		27	28		
PART C. INVESTIGATION FINDINGS		ELDER	DEPENDENT ADULT		
9. Total number of reports evaluated and no in-person investigation was made.....		29	30		
10. Total number of reports investigated (Item 10 = Items 10a thru 10c).....		31	32		
a. Total number of reports that were investigated: Abuse Confirmed.....		33	34		
b. Total number of reports that were investigated: Abuse Inconclusive.....		35	36		
(i) Of the number in line 10b, the total reports that were closed and no services provided.....		37	38		
c. Total number of reports that were investigated: Abuse Unfounded.....		39	40		
11. Of the total number of reports investigated, enter the total number that required and resulted in an immediate investigation.....		41	42		
12. Of the total number of reports investigated, enter the total number investigated after business hours requiring on-call worker to respond.....		43	44		
PART D. TYPES OF ABUSE		INCONCLUSIVE		CONFIRMED	
		ELDER	DEPENDENT ADULT	ELDER	DEPENDENT ADULT
13. Total number of unduplicated cases of self-neglect	45	46	47	48	
14. Total types of self-neglect abuse	49	50	51	52	
(Item 14 = Items 14a thru 14e)					
a. Physical Care (e.g. personal hygiene, clothing, shelter)	53	54	55	56	
b. Medical Care (e.g. physical and mental health needs)	57	58	59	60	
c. Health and Safety Hazards	61	62	63	64	
(e.g. failure to protect oneself from risk, danger, or harm)					
d. Malnutrition/Dehydration	65	66	67	68	
(e.g. inadequate nutrition or nourishment)					
e. Financial (e.g. inability to manage one's personal finances)	69	70	71	72	
15. Total no. of unduplicated cases of abuse perpetrated by others.....	73	74	75	76	
16. Total types of abuse perpetrated by others	77	78	79	80	
(Item 16 = Items 16a thru 16h)					
a. Physical.....	81	82	83	84	
b. Sexual.....	85	86	87	88	
c. Financial.....	89	90	91	92	
d. Neglect.....	93	94	95	96	
e. Abandonment.....	97	98	99	100	
f. Isolation.....	101	102	103	104	
g. Abduction.....	105	106	107	108	
h. Psychological/Mental.....	109	110	111	112	

ADULT PROTECTIVE SERVICES (CONTINUED)

PART E. SUPPORT SERVICES	ELDER	DEPENDENT ADULT
17. Cases receiving emergency shelter.....	113	114
a. Total number of days emergency shelter provided.....	115	116
18. Cases receiving temporary in-home protection.....	117	118
a. Total number of hours temporary in-home protection provided.....	119	120
19. Cases receiving tangible or non-tangible support services.....	121	122
a. Cases receiving transportation services.....	123	124

COUNTY SERVICES BLOCK GRANT

PART F. INFORMATION AND REFERRAL	RESPONSES
20. Number of responses to requests for information and referral.....	125
PART G. OUT-OF-HOME CARE (OHC-A)	CASES
21. Cases brought forward from last month (same as Item 25 on last month's report).....	126
22. Cases opened during the month.....	127
23. Total number of active cases during the month (Item 23 = Items 21 +22).....	128
24. Cases closed during the month.....	129
25. Cases carried forward to next month (Item 25 = Item 23 minus Item 24).....	130
PART H. OPTIONAL SERVICES	CASES
26. Number of cases receiving optional services during the month.....	131

SENATE BILL 1003 SUPPLEMENTAL INFORMATION

PART I. SB 1003 SUPPLEMENTAL INFORMATION	
27. Does your county implement the provisions of Senate Bill 1003?.....	YES <input type="checkbox"/> NO <input type="checkbox"/>
IF YES: Complete #28 and #29 below	
28. Total number of reports evaluated and no in-person response was made..... (same as Part C, Line # 9)	132
29. Of those in # 28, the total number in which no in-person response was made under the provisions of SB1003..... (Item 29 = the sum of Items a thru e)	133
a. Receiving intervention from another agency.....	134
b. Protection issue resolved.....	135
c. Placed in a permanent facility.....	136
d. Report received from a non-credible source.....	137
e. Other (explain reasons in comment section).....	138

COMMENTS:

REPORT PREPARED BY:	TELEPHONE NUMBER: ()	DATE:
----------------------------	---------------------------------------	--------------

PART I. SB 1003 SUPPLEMENTAL INFORMATION

27. Does your county implement the provisions of Senate Bill 1003 as detailed in ACL 99-98?

If your county implements the provisions of Senate Bill 1003, enter a check mark in the Yes box and complete questions 28 and 29.

If your county does not implement the provisions of Senate Bill 1003, enter a check mark in the No box and **do not** complete questions 28 and 29.

28. Total number of reports evaluated and no in-person response was made. (same as SOC 242, Part C, Line #9)

Transfer the number listed on the SOC 242, Part C, Line #9.

29. Of those in #28, the total number in which no in-person response was made under the provisions of SB 1003. (Item 29 = the sum of Items a thru e)

29 a-e: Enter the number of reports in which no in-person response was made based on one of the primary reasons listed below.

- a. Receiving intervention from another agency
At the time of the report, the client is receiving intervention from another agency that is addressing the allegations of abuse.
- b. Protection issue resolved
Protection issue has been resolved. Do not include those persons placed in a permanent facility.
- c. Placed in a permanent facility
Client was placed in a permanent facility and allegations of abuse have been addressed.
- d. Report received from a non-credible source
Report was received from a non-credible source and/or non-mandated reporter.
- e. Other
An in-person response was not required for reasons other than the ones listed above. Provide explanation in comment section.

BILL NUMBER: SB 1003 CHAPTERED
BILL TEXT

CHAPTER 670

INTRODUCED BY Senator Vasconcellos

FEBRUARY 26, 1999

An act to amend Section 15763 of the Welfare and Institutions Code, and to amend Section 14 of Chapter 946 of the Statutes of 1998, relating to adult protective services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1003, Vasconcellos. Adult protective services program: emergency response.

Existing law requires each county through its emergency response adult protective services program to respond immediately to reports of imminent abuse or danger to an elder or dependent adult and to respond to other reports of danger to an older or dependent adult within 10 calendar days of the report or as soon as practicably possible.

This bill would provide that an immediate or 10-day in-person response is not required when the county makes a specified determination, and documents, that the elder or dependent adult is not in imminent danger and that an immediate or 10-day in-person response is not necessary. This bill would make this provision inoperative on January 1, 2001, and would require the State Department of Social Services to submit a report regarding those cases to the Legislature on or before April 1, 2001.

This bill would revise the dates by which the department is required to adopt certain regulations relating to elder and dependent adult care.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 15763 of the Welfare and Institutions Code is amended to read:

15763. (a) Each county shall establish an emergency response adult protective services program that shall provide in-person response, 24 hours per day, seven days per week, to reports of abuse of an elder or a dependent adult, for the purpose of providing immediate intake or intervention, or both, to new reports involving immediate life threats and to crises in existing cases. The program shall include policies and procedures to accomplish all of the following:

(1) Provision of case management services that include investigation of the protection issues, assessment of the person's concerns, needs, strengths, problems, and limitations, stabilization and linking with community services, and development of a service plan to alleviate identified problems utilizing counseling,

monitoring, followup, and reassessment.

(2) Provisions for emergency shelter or in-home protection to guarantee a safe place for the elder or dependent adult to stay until the dangers at home can be resolved.

(3) Establishment of multidisciplinary teams to develop interagency treatment strategies, to ensure maximum coordination with existing community resources, to ensure maximum access on behalf of elders and dependent adults, and to avoid duplication of efforts.

(b) (1) A county shall respond immediately to any report of imminent danger to an elder or dependent adult residing in other than a long-term care facility, as defined in Section 9701 of the Welfare and Institutions Code, or a residential facility, as defined in Section 1502 of the Health and Safety Code. For reports involving persons residing in a long-term care facility or a residential care facility, the county shall report to the local long-term care ombudsman program. Adult protective services staff shall consult, coordinate, and support efforts of the ombudsman program to protect vulnerable residents. Except as specified in paragraph (2), the county shall respond to all other reports of danger to an elder or dependent adult in other than a long-term care facility or residential care facility within 10 calendar days or as soon as practicably possible.

(2) An immediate or 10-day in-person response is not required when the county, based upon an evaluation of risk determines, and documents, that the elder or dependent adult is not in imminent danger and that an immediate or 10-day in-person response is not necessary to protect the health or safety of the elder or dependent adult.

(3) Until criteria and standards are developed to implement paragraph (2), the county's evaluation pursuant to paragraph (2) shall include and document all of the following:

(A) The factors that led to the county's decision that an in-person response was not required.

(B) The level of risk to the elder or dependent adult, including collateral contacts.

(C) A review of previous referrals and other relevant information as indicated.

(D) The need for intervention at the time.

(E) The need for protective services.

(4) On or before April 1, 2001, the State Department of Social Services shall submit a report to the Legislature regarding the number of cases, by county, out of the total number of cases reported to the counties, that were determined not to require an immediate or 10-day in-person response pursuant to paragraph (2), and the disposition of those cases.

(5) Paragraphs (2) and (3) shall become inoperative on January 1, 2001.

(c) A county shall provide case management services to elders and dependent adults who are determined to be in need of adult protective services for the purpose of bringing about changes in the lives of victims and to provide a safety net to enable victims to protect themselves in the future. Case management services shall include the following, to the extent services are appropriate for the individual:

(1) Investigation of the protection issues, including, but not limited to, social, medical, environmental, physical, emotional, and developmental.

(2) Assessment of the person's concerns and needs on whom the report has been made and the concerns and needs of other members of the family and household.

(3) Analysis of problems and strengths.

(4) Establishment of a service plan for each person on whom the report has been made to alleviate the identified problems.

(5) Client input and acceptance of proposed service plans.

(6) Counseling for clients and significant others to alleviate the identified problems and to implement the service plan.

(7) Stabilizing and linking with community services.

(8) Monitoring and followup.

(9) Reassessments, as appropriate.

(d) To the extent resources are available, each county shall provide emergency shelter in the form of a safe haven or in-home protection for victims. Shelter and care appropriate to the needs of the victim shall be provided for frail and disabled victims who are in need of assistance with activities of daily living.

(e) Each county shall designate an adult protective services agency to establish and maintain multidisciplinary teams including, but not limited to, adult protective services, law enforcement, home health care agencies, hospitals, adult protective services staff, the public guardian, private community service agencies, public health agencies, and mental health agencies for the purpose of providing interagency treatment strategies.

(f) Each county shall provide tangible support services, to the extent resources are available, which may include, but not be limited to, emergency food, clothing, repair or replacement of essential appliances, plumbing and electrical repair, blankets, linens, and other household goods, advocacy with utility companies, and emergency response units.

SEC. 2. Section 14 of Chapter 946 of the Statutes of 1998 is amended to read:

Sec. 14. (a) The Director of Social Services shall adopt regulations as necessary to implement the provisions of this act .

(b) Notwithstanding any other provision of law, the State Department of Social Services may implement the provisions of this act through an all county letter or similar instructions from the Director of Social Services until regulations are adopted.